

1 OFFICE OF CONSERVATION

2 STATE OF LOUISIANA

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4 IN RE: GROUND WATER

5 RESOURCES COMMISSION MEETING

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11 REPORT OF MEETING

12 HELD AT

13 BATON ROUGE, LOUISIANA

14 NOVEMBER 8, 2004
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OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER

RESOURCES COMMISSION MEETING

Report of the public meeting held by the Ground
Water Management Commission, State of Louisiana, on
November 8, 2004, in Baton Rouge, Louisiana.

COMMISSION MEMBERS IN ATTENDANCE:

Scott Kirkpatrick, Chairman

James H. Welsh, Commissioner of Conservation

Karen Gautreaux, Department of Environmental Quality

Zahir "Bo" Bolourchi, DOTD - Water Resources

Darwin Knochenmus, Capital Area Groundwater Commission

Richard Durrett, Sparta Ground Water Conservation

John Roussel, Assistant Secretary Wildlife & Fisheries

Linda Walker, League of Women Voters

Karen Irion, Department of Health and Hospitals

Brad Spicer, Louisiana Agriculture & Forestry

Mike Bourgeois, Louisiana Landowners Association

AGENDA

I. Call to Order - Governor's Office

II. Ground Water Resources Division:

A. Staff Activities

III. Old Business

A. Update on the timeline of public hearings

regarding the Draft Order for the Sparta

Critical Ground Water Area Designation

Application.

B. Discussion of the language for the creation

of the regional water bodies.

IV. New Business:

A. Sierra Club letter regarding Louisiana

Reservoirs.

V. Commission Comments

VI. Task Force Comments

VII. Public Comments

VIII. Schedule for Next Meeting

IX. Adjourn

LOUISIANA GROUND WATER MANAGEMENT

COMMISSION MEETING

NOVEMBER 8, 2004

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MR. KIRKPATRICK:

If everybody could take your seat. I would like to start the fourth meeting of Louisiana Ground Water Resources Commission. If we could go from my right to left and introduce yourselves.

MS. WALKER:

Linda Walker.

MR. KNOCHENMUS:

Darwin Knochenmus.

MR. BOLOURCHI:

Bo Bolourchi, DOTD.

MR. SPICER:

Brad Spicer, Louisiana Department of Agriculture and Forestry.

MR. KIRKPATRICK:

Scott Kirkpatrick with the Governor's office.

MR. WELSH:

Jim Welsh, Commissioner of Conservation.

MS. GAUTREAUX:

Karen Gautreaux, DEQ.

MR. BOURGEOIS:

Mike Bourgeois, Landowners.

MS. IRION:

Karen Irion, DHH.

MR. ROUSSEL:

John Roussel, Department of Wildlife and

1 Fisheries.

2 MR. DURRETT:

3 Richard Durrett, Sparta Ground Water Commission.

4 MR. KIRKPATRICK:

5 Thank you. Tony, could you take us through.

6 MR. DUPLÉCHIN:

7 I'd like to start off by going over some of the
8 activities that the Staff has taken care of or
9 participated in since the last time the Commission
10 met. We have received an additional 106 water well
11 notification sheets since we met in August and we've
12 also had meetings with the Secretary of DNR concerning
13 the availability of Louisiana's water resources, both
14 surface water and ground water. We've also met with
15 representatives of the People's Republic of China
16 Ministry of Water Resources concerning water resource
17 development issues in Louisiana; members of my staff
18 have attended meetings of the Chicot Aquifer
19 Stakeholders Group, and we have held public hearings
20 relative to the Sparta Aquifer draft order and I will
21 go over that in a little bit more detail later on; and
22 we are continuing our investigation of the different
23 problems that they are experiencing in the Sparta
24 Aquifer. That is my staff report.

25 MR. KIRKPATRICK:

26 Any comments or questions?

27 (No response.)

28 Okay, do you want to look at old business?

29 MR. DUPLÉCHIN:

30 Under old business, we've held three hearings on

1 the Sparta Critical Ground Water Area Designation
2 application. The first one was held in Ruston, second
3 one in Jonesboro, and the third one in Monroe. We
4 had, oh, I guess about 150 people attend the three
5 hearings with comments made at each; 34 oral comments
6 have been made and so far we've received 24 written
7 comments. The original comment period was set to end
8 today at 4:30. We did receive a request to extend the
9 comment period and we have granted a 30-day extension.
10 So the comment period will now end on Wednesday,
11 December 8th at 4:30. And since the comments period
12 is still open, I can't say very much about the
13 hearings or the decisions.

14 MR. KIRKPATRICK:

15 Any questions about the hearings?

16 (No response.)

17 MR. DUPLICHIN:

18 The next item of old business is the language for
19 creation of the regional water resource bodies, and
20 I'd like to ask Tim to come up and go over some of the
21 changes that were made based on recommendations by the
22 Commission at our last meeting.

23 MR. SEILER:

24 Good afternoon. Tim Seiler from the Ground Water
25 Resources Division. Basically there weren't any real
26 changes from the -- I believe the only change that we
27 have in the first two definitions is from large well
28 volume, second to last line where you see "may
29 produce". I believe before it said "will produce".
30 So I think we changed "will" to "may." On the second

1 page is all the underlined comments I believe were
2 discussed at the last meeting down to Section 903(B)
3 "or amend." Section 903(C), at the meeting we changed
4 -- we added to approve the membership and we have a
5 suggestion to change from "approves" to "appoint" and
6 in front of size put "may approve size of the regional
7 resource advisory group."

8 Other than that, from Sections D(4), 6, and 7
9 were just changes that were made during the last
10 meeting and there were no changes after that. So from
11 the paper that you have now, the only additional
12 change that we have is again from Section 903(C),
13 changing "approves" to "appoints," after "and" and
14 between size put "may approve the." Those are all of
15 the comments we had since the last meeting.

16 MR. KIRKPATRICK:

17 Any questions on those changes?

18 MR. SPICER:

19 Would you like someone to recommend we approve
20 those or does that need to happen?

21 MR. KIRKPATRICK:

22 It's got to go through the administrative
23 procedures, I'm told, so only if we have any more
24 comments or suggested changes would that be necessary
25 at this point.

26 MR. DUPLICHIN:

27 We can proceed with getting this cleaned up and
28 in the proper format and start the procedures through
29 OPA and the Division of Administration.

30 MR. KIRKPATRICK:

1 I guess we can move to the next item.

2 MR. DUPLÉCHIN:

3 The next item is new business. Last week I
4 received an e-mail that contained a letter, a copy of
5 a letter that was sent to Governor Blanco concerning
6 construction of reservoirs in the state, and I have
7 included copies of that information in your packets.
8 Basically the letter is from the Sierra Club and it is
9 expressing concern over the proposed development of
10 reservoirs in certain areas of the state for water
11 resources development. And I don't know if a
12 representative of the Sierra Club is here or not and
13 wishes to make comment on this.

14 MR. KIRKPATRICK:

15 I believe somebody is here. I don't know if they
16 wish to say anything.

17 MS. COHEN:

18 I'm Mara Cohen with the Sierra Club. And our
19 main concern here is just that the Governor really
20 assess the environmental impact of these reservoirs
21 and also the human impact that it will have on the
22 people whose livelihoods depend on that land that will
23 then be flooded. We hope you will look at it also,
24 consider the letter and our resolutions that are
25 attached to it, and also the bill that would provide
26 funding for it.

27 MR. KIRKPATRICK:

28 Anybody have any questions for Mara?

29 (No response.)

30 Any comments on the letter? Karen?

1 MS. GAUTREAUX:

2 This is the first time I have read it and it
3 certainly is an important topic. I think we have
4 always recognized the link between -- this is a ground
5 water management commission, but there are obviously a
6 lot of linkages. The reservoir might be a source of
7 replenishment. The ground water can be steered in the
8 direction of the reservoir. And I think it would be
9 helpful to me, I am not very familiar with the way a
10 reservoir is actually authorized, to understand
11 legally the process that you have to go through to
12 establish a reservoir, and maybe then discuss any
13 thoughts that the Commission has on that particular
14 topic. So I would like to ask that Staff, if you
15 will, at our next meeting give us a briefing about how
16 the process moves forward and then we can further
17 discuss how we might want to be become involved in
18 that.

19 MR. KIRKPATRICK:

20 There is a motion before us. Do I have a second?

21 MR. SPICER:

22 I second.

23 MR. KIRKPATRICK:

24 Second. Is there any opposition?

25 (No response.)

26 The motion passes.

27 MS. GAUTREAUX:

28 Thanks for bringing it to our attention.

29 MR. WELSH:

30 I've got one general question for the Sierra

1 Club. Do you want to apply this memo state wide? I
2 mean, this would apply state wide?

3 MS. COHEN:

4 Yes.

5 MR. WELSH:

6 Any reservoir built anywhere in the state?

7 MS. COHEN:

8 Yes.

9 MR. KIRKPATRICK:

10 Any other questions or comments?

11 (No response.)

12 I believe we now move to Commission comments.

13 Any general Commission comments?

14 (No response.)

15 Any Task Force comments?

16 MR. GRAHAM:

17 Good afternoon. My name is Henry Graham with the
18 Louisiana Chemical Association and I would like to
19 express a concern with the proposed change in the
20 large volume well definition. I would like to ask
21 maybe that you consider having the Advisory Task Force
22 review this because there was a lot of debate and
23 discussion on large volume wells, both in the Advisory
24 Task Force and in the legislation when it was adopted.
25 And certainly by changing this definition, you are now
26 not going with the diameter well classification that
27 you initially had proposed using an 8" diameter well.
28 I understand it would be beneficial for the Department
29 to be able to examine where folks might be trying to
30 put two 6" volume diameter wells instead of an 8"

1 diameter well. This one says regardless of any size.
2 You could have someone putting it a 2" well and his
3 neighbor is within 1,000' putting in a 2" well and say
4 that it has to be examined on a case-by-case basis.
5 So I think this may be going a little bit too far with
6 the definition you are proposing here. I would ask
7 that the Commission consider a review of this
8 particular definition before you seek to adopt it.
9 Thank you.

10 MR. KIRKPATRICK:

11 Any thoughts? Tony, do you have any comments
12 about that?

13 MR. DUPLCHIN:

14 This would be an excellent chance for us to get
15 the Task Force together and review this issue. I know
16 this was something that we as a Staff pored over a
17 lot, both during deliberations for what became Act 49
18 and since it was passed. There is language in Act 49
19 that says a large volume well is an 8" well or what
20 have you and as further defined by the Commissioner.
21 So this is something we will get the Task Force
22 together and look at a little bit more closely before
23 we proceed with this.

24 MR. KIRKPATRICK:

25 Any other thoughts on that? Any other comments?

26 MR. WELSH:

27 It will be done by next time?

28 MR. DUPLCHIN:

29 Before the Commission meets next time.

30 MR. KIRKPATRICK:

1 Any other Task Force comments?

2 (No response.)

3 Any public comments?

4 MR. DUPLÉCHIN:

5 I do believe that Tom Broussard or Tim Deux, or
6 probably both, would like to come up and give a report
7 on what the CASH group has been doing and possibly
8 some concerns they have over landfill activities in
9 Carencro.

10 MR. BROUSSARD:

11 Thank you, Tony. I don't know if Tim Deux is
12 here today. I guess Tim didn't make it to the meeting
13 this afternoon. One of things that we discussed at
14 the meeting that we had with the Chicot Aquifer
15 Stakeholder Groups in September was the involvement or
16 the role of the Commission. I guess this is kind of a
17 philosophical thing for the Commission to discuss and
18 give us some feelings on, but there was a permit
19 application that was submitted for a landfill
20 expansion in Carencro, and my understanding from
21 talking with Tony and Tim is that his staff doesn't
22 necessarily review those types of permit applications.
23 I guess it's DEQ. Karen probably can tell us about
24 that. I don't know if there is a role for the
25 Commission or if that's separate state agency has the
26 authority to rule completely.

27 The question that really was a part of our
28 discussion was that the charge of the Commission is to
29 monitor activities that could -- one of the things
30 discussed was groundwater subsidence or groundwater

1 quality degradation. That's kind of the part that we
2 were wondering if there is a role for the Commission
3 or not. I really don't expect an answer this
4 afternoon, but it is something that I would like to
5 get some guidance from the Commission, either the
6 Commission or the Task Force or maybe the regional
7 stakeholder bodies that would be closer to the permit
8 application would give some feedback to the Commission
9 that would become part of the permit itself. I am not
10 sure what the answer is.

11 MR. KIRKPATRICK:

12 Just to clarify, this is a proposed landfill that
13 would be going in in the Chicot Aquifer area and
14 because of that some questions have arisen, I guess,
15 about how that would impact the ground water?

16 MR. BROUSSARD:

17 It's actually a permit expansion of a landfill
18 owned by ANCO. And DEQ -- I don't know if the permit
19 has actually been authorized. We're not really
20 looking at that specifically. It became a discussion
21 of -- the case of our discussion because it was an
22 active permit. But just in general, if there is such
23 a permit requested for another one, what happens? Is
24 there a role for the Commission in that or not? It
25 was a very lively discussion in our September meeting.

26 MR. KIRKPATRICK:

27 Karen, would you like to address that?

28 MS. GAUTREAUX:

29 There is -- one of the first things that an
30 applicant has to do is look at the impact on ground

1 water when they apply to DEQ. They have to tell them
2 -- and we look to see if there is danger of
3 groundwater contamination. I would be glad to provide
4 an explanation of the process to the Commissioners, if
5 you would like, the role of DEQ, and we discuss this
6 as to whether or not the Commission would like to be
7 advised when such projects go on or what you think is
8 the appropriate role. But that is one of the first
9 things we look at when we receive applications like
10 that.

11 MR. DURRETT:

12 That was one of our concerns in our crucial
13 application, too, was the construction in the recharge
14 area of the Sparta. So we are concerned about that
15 also. So if we can review that process, I think it
16 would relieve some of the questions about that.

17 MS. WALKER:

18 I think that would be really appropriate because
19 anything that has a potential impact on ground water,
20 we should -- that information should be brought
21 forward because this body, while it may not be part of
22 the permitting process, certainly has every right of
23 notification like any other citizen or body, and has a
24 special interest because of our Commission.

25 MR. KIRKPATRICK:

26 I don't know if we need a motion to ask you.

27 MS. GAUTREAUX:

28 No, I don't think so. I'll be glad to get some
29 material for you and if it looks like a quick
30 PowerPoint or something would be helpful, we will get

1 the information to the Commission.

2 MS. WALKER:

3 Maybe it would just be useful for Tony's office
4 to receive directly notifications of permit
5 applications if there is anything that has to have
6 groundwater monitoring device on it, just for
7 information purposes.

8 MS. GAUTREAUX:

9 Sure. It would be a simple thing to add the
10 Division to the mailing list for permit notifications.

11 MR. BROUSSARD:

12 Just one other comment. I am not here on behalf
13 of the Chicot Aquifer Stakeholder's Group asking that
14 the Commission take a role. We just wanted to know if
15 there was a role. The other thing is that we have
16 continued to meet. In fact, we have a meeting set up
17 for November 10th, this Wednesday in Jennings, and our
18 meetings are continuing to go well and we're awaiting
19 some kind of official recognition once these rules are
20 in place and appreciate your continued interest.

21 Thank you.

22 MR. KIRKPATRICK:

23 Thank you. Are there any other public comments?

24 (No response.)

25 Seeing none, Tony, could you talk about our
26 schedule for the next meeting?

27 MR. DUPLECHIN:

28 Act 49 requires the Commission to meet at least
29 once quarterly, and January, February, and March will
30 be coming up pretty soon. The only times that are bad

1 during those three months are the weeks or the time
2 period extending from January 17th through February
3 4th. I will not be here, so I would rather if the
4 Commission met when I was here, and also February 1st,
5 I believe, is Mardi Gras.

6 MR. KIRKPATRICK:

7 Do you have a suggestion?

8 MR. DUPLÉCHIN:

9 I would say possibly towards the middle or end of
10 February or beginning of March get back together.
11 Mondays seem to be working out pretty good.

12 MR. KIRKPATRICK:

13 Any concern with those times?

14 (No response.)

15 I think generally it seems like that would be a
16 good time period to look at.

17 MR. DUPLÉCHIN:

18 Let's tentatively go for Monday, March 7th at
19 1:30.

20 MR. KIRKPATRICK:

21 March 7 at 1:30. Wednesday, I think you said?

22 MR. DUPLÉCHIN:

23 Monday.

24 MR. KIRKPATRICK:

25 I'm sorry, Monday, March 7th. Okay. Any other
26 business?

27 (No response.)

28 With that, I make a motion that we adjourn. Do I
29 have a second?

30 MR. BOLOURCHI:

1 Second.

2 MR. KIRKPATRICK:

3 Anybody opposed?

4 (No response.)

5 Meeting is adjourned.

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CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing meeting was held on November 8, 2004, in the LaBelle Room, Baton Rouge, Louisiana; that I did report the proceedings thereof; that the foregoing pages, numbered 1 through 18, inclusive, constitute a true and correct transcript of the proceedings thereof.

SUZETTE M. MAGEE, CCR #93079

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